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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re application of: Town et al.

Serial No.: 09/898,566

Group Art Unit: 1634

Filed: 07/02/01

Examiner: SAKELARIS, Sally A

For: METHOD AND ASSAY FOR DIAGNOSING SUBSTANCE DEPENDENCY

Attorney Docket No: 0152.00413

1634  
#6  
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RECEIVED 07/02

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**RESPONSE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated April 11, 2002, Paper Number 5.

Restriction to one of the following inventions was required under 35 U.S.C. § 121:

I. Claims 1-16, drawn to methods of genotyping, classified in Class 435, subclass 6.

II. Claims 17-20, drawn to a marker, OPRM1+118A allele, used to screen for the development of substance dependency. Markers are classified in Class 536, subclass 23.5.

Applicants provisionally elect Group II, claims 17-20, for prosecution purposes, with traverse. Applicants provisionally withdraw claims 1-16 from prosecution, without prejudice, and request reconsideration of the restriction requirement.

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Applicants traverse the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. Both groups of claims relate to the OPRM1+118A allele, and it is respectfully submitted that examination of all the claims in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that restriction should not be required and that Applicants have traversed the restriction requirement. However, as stated above, Applicants have elected the claims of Group II and provisionally withdraw claims 1-16 without prejudice, pending reconsideration of the restriction requirement.

The application is now in condition for allowance, which allowance is respectfully solicited.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington

D.C. 20231, on

5/9/02  
(Date of Deposit)

*Angel Webb*  
Angel Webb

Signature

5/9/02  
Date of Signature

Respectfully submitted,

KOHN & ASSOCIATES

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Dated: May 9, 2002